

TRANSMITTAL LETTER  
(General - Patent Pending)Docket No.  
CAF-28502/03In Re Application Of: **Ralph Barclay Ross et al.**Serial No.  
09/889,834Filing Date  
November 28, 2001

Examiner

Group Art Unit  
3652Title: **CARGO HANDLING APPARATUS**TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

Renewed Petition Under 37 CFR 1.47 (a)

Exhibit A: Letter to Wayne S. Breyer dated October 17, 2001

Exhibit B: Letter to Andrew Shanks date October 18, 2001

Exhibit C: Letter to Wayne S. Breyer dated February 21, 2002 via Certified Mail &amp; Signed Certified Mail Receipt

Exhibit D: Declaration of Mark D. Schneider ---- Exhibit E: Copies of Signed Declaration &amp; Power of Attorney

in the above identified application.

No additional fee is required.

A check in the amount of \_\_\_\_\_ is attached.

The Commissioner is hereby authorized to charge and credit Deposit Account No. **07-1180** as described below. A duplicate copy of this sheet is enclosed.

- Charge the amount of \_\_\_\_\_
- Credit any overpayment.
- Charge any additional fee required.



Signature

Dated: **October 11, 2002**

Mark D. Schneider, Reg. No. 43,906  
 Gifford, Krass, Groh, Sprinkle, Anderson  
 & Citkowski, P.C.  
 280 North Old Woodward - Suite 400  
 Birmingham, MI 48009  
 (248) 647-6000

exp.

I certify that this document and fee is being deposited on **10-11-2002** with the U.S. Postal Service as **first class** mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. **Label # EY 20579391745**


  
Signature of Person Mailing Correspondence
**Judith T. Lange**

Typed or Printed Name of Person Mailing Correspondence

CC:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ralph Barclay Ross et al.

Serial No.: 09/889,834

Group Art Unit: 3652

Filing Date: November 28, 2001

For: CARGO HANDLING APPARATUS

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**RENEWED PETITION UNDER 37 CFR 1.47(a)**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the decision on petition under 37 CFR 1.47(a) dated August 29, 2002, the inventor of the above-identified application, Mr. Ralph Barclay Ross, respectfully renews his petition to have the above-identified application accepted absent the signature of one joint inventor, Mr. Michael Wayne Crabtree, who has refused to join in the application:

1. This application is a 371 of PCT/GB00/00176 that was filed January 24, 2000.
2. Prior to January 24, 2000, the two joint inventors of the above-identified application, Mr. Ross and Mr. Crabtree, worked to develop the instant invention.
3. Thereafter, Mr. Ross, through his counsel, caused the above-identified application to be filed and has attempted to obtain the consent and signature of Mr. Crabtree.
4. Specifically, as seen in the attached Exhibits, on October 17, 2001, Mr. Andrew Shanks (a registered European patent attorney and counsel for Mr. Ross) sent a letter to Mr. Wayne S. Breyer (a registered U.S. patent attorney and counsel for Mr. Crabtree) requesting that Mr. Breyer obtain the consent and signature of Mr. Crabtree on a Declaration and Power of Attorney for the above-identified application. See Exhibit A.

5. Thereafter, on October 18, 2001, Mr. Breyer sent a letter to Mr. Shanks wherein Mr. Breyer states that: "**Mr. Crabtree has directed me to advise you that his signature will not be forthcoming.**" Exhibit B at ¶ 2. *Mr. Breyer's letter also indicates that Mr. Breyer has full knowledge of the subject matter in the above-identified application.* See *Id.* at ¶ 3.

6. On February 21, 2002, Mr. Mark D. Schneider (U.S. counsel for Mr. Ross), sent a letter to Mr. Breyer (counsel for Mr. Crabtree) that included a complete copy of the application papers (specification including claims, drawing and declaration) and the preliminary amendment as filed in the Patent and Trademark Office by Mr. Schneider's firm. The receipt associated with the February 21<sup>st</sup> letter indicates that Mr. Breyer received the February 21st letter (and accompanying enclosures) on February 27, 2002. See Exhibits C and D.

7. On Monday, September 9, 2002, Mr. Schneider telephoned Mr. Breyer's office and left a message requesting that Mr. Breyer again confirm that Mr. Crabtree was not interested in executing the Declaration for the application that had previously been forwarded to him. See Exhibit D at ¶ 4 and at ¶ 6 above. On Tuesday, September 10, 2002 at 1:24 p.m., Mr. Schneider received a phone call from Mr. Breyer. During that phone call, Mr. Breyer expressly stated that Mr. Crabtree would not be executing the Declaration to join in the above-identified application. at *Id* ¶ 5.

8. The last known address for Mr. Crabtree is (per Exhibit B):

Mr. Michael Crabtree  
c/o Wayne S. Breyer  
DeMont & Breyer, L.L.C.  
P.O. Box 7490

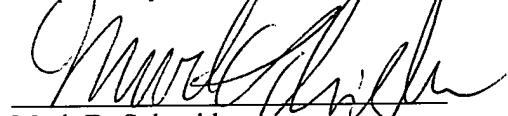
**Shrewsbury, New Jersey 07702**

9. Attached herewith are copies of the Declaration and Power of Attorney bearing the signature of Mr. Ross. (Exhibit E). The signature of Mr. Crabtree is blank as a result of his refusal to sign. Therefore, the Declaration should be treated as having been signed by all available inventors on behalf of the non-signing inventor.

10. A filing receipt that names Mr. Ross and Mr. Crabtree as inventors in the above-identified application is respectfully requested.

11. In view of the refusal of Mr. Crabtree to join in the present application, inventor Ralph Ross is entitled to make such application on behalf of himself and Mr. Crabtree. Therefore, in view of the above information and facts, Mr. Ross respectfully requests that this petition be granted.

Respectfully submitted,



Mark D. Schneider  
Registration No. 43,906  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
280 N. Old Woodward, Suite 400  
Birmingham, MI 48009  
(248) 647-6000

MDS/gs  
GS-W:\Word Processing\mds\CAF28502-RenewedPet.doc

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER EV 20579391745

DATE OF DEPOSIT October 11, 2002

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Judith J. Lange

# CRUIKSHANK & FAIRWEATHER

CHARTERED PATENT AGENTS

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LONDON OFFICE:  
57/60 LINCOLNS INN FIELDS WC2A 3  
TELEPHONE: 020-7400 3000

Our ref: AS/GOW/DH/P10349US

Your ref:

17 October 2001

FAX & MAIL  
(001 732 578 0104)

Wayne S Breyer  
DeMont & Breyer LLC  
PO Box 7490  
Shrewsbury  
NJ 07702  
USA

Dear Mr Breyer

### Michael Crabtree & Ralph Barclay Ross

We represent Mr Ross in connection with various intellectual property matters; we understand that you act for Mr Crabtree. In particular, you are named as agent of record on Mr Crabtree's US Patent 6,182,837. If this is not correct, please advise us by return.

You may recall that Mr Ross and Mr Crabtree jointly invented an apparatus and method for secure handling of elongate objects, and that our client subsequently filed a PCT application in respect of the invention. A US national phase application has now been filed derived from the PCT application, naming both inventors as applicants.

In order to complete the filing formalities, it is necessary for us to file a Declaration and Power of Attorney from each inventor with the USPTO. We therefore hope that you may be able to assist in obtaining Mr Crabtree's signature on the enclosed forms.

If you do not believe this would be possible, I would be grateful if you were able to let me know by return, so that alternative steps may be taken.

Thank you for your assistance in this matter. If you or Mr Crabtree have any questions, I would be pleased to answer them if possible.

Yours sincerely



CRUIKSHANK & FAIRWEATHER

Andrew Shanks

DEMONT & BREYER, L.L.C.  
PATENT ATTORNEYS

JASON PAUL DE MONT\*

WAYNE S. BREYER\*\*

BRIAN K. DINICOLA

\* ADMITTED ONLY IN PA

\*\* ADMITTED ALSO IN NY

P.O. Box 7490  
SHREWSBURY, NJ 07702  
UNITED STATES OF AMERICA

TEL: 732-578-0103  
FAX: 732-578-0104  
wsbreyer@dblaw.com

October 18, 2001

Via Facsimile

Andrew Shanks  
Cruikshank & Fairweather  
19 Royal Exchange Square  
Glasgow G1 3AE

RE: Michael Crabtree & Ralph Ross

Dear Mr. Shanks:

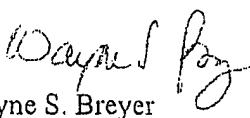
I am in receipt of your letter dated October 17, 2001 concerning Messrs. Crabtree and Ross. In answer to your question concerning representation ... yes, I represent Mr. Ross.

In the letter, you advised of a need for Mr. Crabtree's signature to complete filing formalities for a U.S. national phase application. You requested assistance in obtaining Mr. Crabtree's signature or, alternatively, an indication that it would not be forthcoming, as the case might be. Mr. Crabtree has directed me to advise you that his signature will not be forthcoming.

I should point out to you that Mr. Ross and Mr. Crabtree did not jointly invent "an apparatus and method for secure handling of elongate objects," as U.S. Pat. No. 6,182,837 is titled. In fact, Mr. Crabtree is the sole inventor of subject matter that is claimed in that patent, is the sole inventor of the subject matter that is claimed in PCT/US00/00887, and is the sole inventor of the subject matter claimed in PCT/GB00/00176. Your confusion on this point is understandable since you have not the opportunity to speak with Mr. Crabtree.

If you have any questions about this matter, please do not hesitate to contact me.

Very truly yours,

  
Wayne S. Breyer

ERNEST I. GIFFORD (3)  
ALLEN M. KRASS  
IRVIN L. GROH (1,2)  
DOUGLAS W. SPRINKLE  
THOMAS E. ANDERSON (3)  
RONALD W. CITKOWSKI  
JUDITH M. RILEY  
JULIE A. GREENBERG  
DOUGLAS J. MCEVOY  
ELLEN S. COGEN (2)  
JOHN G. POSA  
DOUGLAS L. WATHEN  
AVERY N. GOLDSTEIN, PH.D.  
MARK D. SCHNEIDER  
BEVERLY M. BUNTING

OF COUNSEL

ROBERTA J. MORRIS, PH.D. (4)

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VENICE, FLORIDA 34285  
(941) 488-4245  
FACSIMILE (941) 484-5258

ALSO ADMITTED IN:  
(1) WISCONSIN  
(2) OHIO  
(3) FLORIDA  
(4) NEW YORK

February 21, 2002

Our File: CAF-28502/03

Mr. Wayne S. Breyer  
DeMont & Breyer, L.L.C.  
P.O. Box 7490  
Shrewsbury, NJ 07702

Via Priority Certified Mail  
Return Receipt Requested

Re: Michael Crabtree and Ralph Ross

Dear Mr. Breyer:

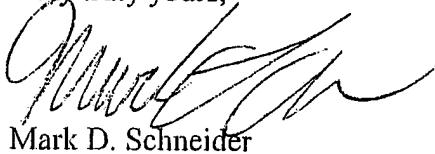
This firm has been retained by Cruikshank & Fairweather to prosecute the U.S. national phase of PCT Application No. PCT/GB00/00176.

I have enclosed for your review a copy of the application papers (specification including claims, drawings and declaration) and Preliminary Amendment as filed in the PTO by our office. You will, of course, note that Mr. Crabtree has not signed the declaration.

In order to move forward with the prosecution of this application, I kindly request that you obtain Mr. Crabtree's signature on the enclosed declaration. Alternatively, I request that you notify me should Mr. Crabtree refuse to sign the declaration.

If you have any questions, comments or concerns regarding this matter, please contact me.

Very truly yours,



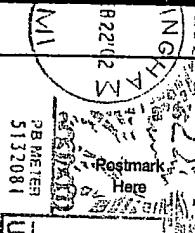
Mark D. Schneider

MDS/gs  
Enclosures

cc: Cruikshank & Fairweather  
Judith M. Riley

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

CAF-28502103 (M)

Postage	\$	 <small>Postmark Here</small> <small>512081</small> <small>U.S. PO.</small>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (To Be Completed by Mailed)  
**Mr. Wayne S. Breyer**  
Street, Apt. No., or PO Box No.  
**P.O. Box 7490**  
City, State, ZIP+4  
**Shrewsbury, NJ 07702**

PS Form 3800, February, 2000. See Reverse for Instructions.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mr. Wayne S. Breyer  
DeMont & Breyer, L.L.C.  
P.O. Box 7490  
Shrewsbury, NJ  
07702**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

**John DeMont**

C. Signature

**John DeMont**

Agent

Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)

**7000 0520 0013 2863 9277**

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ralph Barclay Ross et al.

Serial No.: 09/889,834

Group Art Unit: 3652

Filing Date: November 28, 2001

For: CARGO HANDLING APPARATUS

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**DECLARATION OF MARK D. SCHNEIDER**  
**IN SUPPORT OF PETITION UNDER 37 CFR 1.47(a)**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Mark D. Schneider, declare under penalty of perjury, that to the best of my knowledge the following statements are true:

1. I am an attorney licensed to practice in the State of Michigan and registered before the United States Patent and Trademark Office. I have a principal place of business at the firm of Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C., 280 N. Old Woodward, Suite 400, Birmingham, Michigan 48009.

2. In a letter dated February 21, 2002, I transmitted a copy of the application papers for the above-identified application and a copy of a filed preliminary amendment to Mr. Wayne S. Breyer who is counsel for non-signing inventor Michael Crabtree. The letter was mailed via certified mail return receipt requested.

3. On March 4, 2002, I received the signed return receipt from the February 21 letter confirming that Mr. Breyer had received that correspondence and associated enclosures on February 27, 2002.

4. On Monday, September 9, 2002, I telephone Mr. Breyer's office and left a message requesting that he again confirm that Mr. Crabtree would not be signing the Declaration to join in the prosecution of the above-identified application.

5. On Tuesday, September 10, 2002, at 1:24 p.m., I received a telephone call from Mr. Breyer. During that telephone call Mr. Breyer expressly stated that Mr. Crabtree would not be signing the Declaration previously sent to him to join in the above-identified application.

Further Declarant sayeth not.



---

Mark D. Schneider

Date: 10/11/2002

DECLARATION, POWER OF ATTORNEY AND PETITION

As the below named inventor, I hereby declare:

my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CARGO HANDLING APPARATUS, the specification of which [ ] is attached hereto.

[ ] was filed on July 23, 2001,  
as Application Serial No. 09/889,834  
and was amended on \_\_\_\_\_ (if applicable).

[X] was described and claimed in PCT International Application No. PCT/GB00/00176  
and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent & Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM UNDER 35 USC § 119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign applications(s) for patent or inventor's certificate, or §365(a) of any PCT International Applications designating at least one country other than the U.S. listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT International Applications designating at least one country other than the U.S. having a filing date before that of the application on which priority is claimed:

[ ] no such applications have been filed

[X] application(s) listed below:

PRIOR FOREIGN APPLICATION(S)  
Filed Within Twelve Months (Six Months For Design) Of This Application

			PRIORITY CLAIMED	
			YES	NO
9901474.8 -(Number)	UNITED KINGDOM (Country)	23 JANUARY 1999 (Day/month/year filed)	<input checked="" type="checkbox"/> [X]	<input type="checkbox"/> [ ]
 (Number)	 (Country)	 (Day/month/year filed)	 <input type="checkbox"/> [ ]	 <input type="checkbox"/> [ ]
 (Number)	 (Country)	 (Day/month/year filed)	 <input type="checkbox"/> [ ]	 <input type="checkbox"/> [ ]

CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION UNDER 35 USC §119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States Provisional application listed below:

PROVISIONAL APPLICATION NO.

FILING DATE

\_\_\_\_\_

CLAIM FOR BENEFIT OF EARLIER APPLICATIONS UNDER 35 USC §120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(e) of any PCT International Application(s) designating the U.S. listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the U.S. Patent & Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_ (App. Serial No.) \_\_\_\_\_ (Filing date) \_\_\_\_\_ (Status) (patented, pending, abandoned)

\_\_\_\_\_ (App. Serial No.) \_\_\_\_\_ (Filing date) \_\_\_\_\_ (Status) (patented, pending, abandoned)

PRIOR FOREIGN APPLICATIONS  
(Filed More Than Twelve Months (Six Months for Design) Prior To This Application)

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/month/year filed)</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/month/year filed)</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/month/year filed)</u>

POWER OF ATTORNEY

And I hereby appoint Ernest I. Gifford, P.O. Reg. 20,644; Allen M. Krass, P.O. Reg. No. 18,277; Irvin L. Groh, P.O. Reg. No. 17,505; Douglas W. Sprinkle, P.O. Reg. No. 27,394; Thomas E. Anderson, P.O. Reg. No. 31,318; Ronald W. Citkowski, P.O. Reg. No. 31,005; Judith M. Riley, P.O. Reg. No. 31,561; Douglas J. McEvoy, P.O. Reg. No. 34,385; Ellen S. Cogen, P.O. Reg. No. 38,109; Roberta J. Morris, P.O. Reg. No. 33,196; John G. Posa, P.O. Reg. No. 37,424; Douglas L. Wathen, P.O. Reg. No. 41,369; Avery N. Goldstein, P.O. Reg. No. 39,204; Mark D. Schneider, P.O. Reg. No. 43,906; and Beverly M. Bunting, P.O. Reg. No. 36,072, as my attorneys, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Send all correspondence to: Judith M. Riley, 280 N. Old Woodward Avenue, Suite 400, Birmingham, Michigan 48009; Telephone (248) 647-6000.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

COPY

Full name of sole or first inventor

Ralph Barclay ROSS

Inventor's signature



Date 27/10/01 Citizenship UK

Residence \_\_\_\_\_ Aberdeen, Scotland, United Kingdom \_\_\_\_\_

Post Office Address : Pitmedden Road, Dyce, Aberdeen, AB21 0HB, United Kingdom \_\_\_\_\_

Full name of second, joint inventor, if any Michael Wayne CRABTREE

Inventor's signature

Date \_\_\_\_\_ Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_